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Counsel for Parties.

The questions submitted are, therefore, answered as follows:

Question No. 1. The Act of June 29, 1906, is not complete in itself but is limited by § 2169 of the Revised Statutes of the United States.

Question No. 2. No.

Question No. 3. No.

It will be so certified.

TAKUJI YAMASHITA ET AL. v. HINKLE, SECRETARY OF STATE OF THE STATE OF WASHINGTON.

CERTIORARI TO THE SUPREME COURT OF THE STATE OF WASHINGTON.

No. 177. Argued October 3, 4, 1922.—Decided November 13, 1922.

1. Persons of the Japanese race, born in Japan, are not entitled, under Rev. Stats., § 2169, to become naturalized citizens of the United States. P. 200. *Ozawa v. United States*, ante, 178.
2. A judgment purporting to naturalize persons whose ineligibility appears on its face, is without jurisdiction and void. P. 201.

Affirmed.

CERTIORARI to a judgment of the Supreme Court of Washington which denied the application of the petitioners for a writ of mandamus to require the respondent, as Secretary of State of Washington, to receive and file their articles of incorporation. This case was argued with *Ozawa v. United States*, ante, 178.

Mr. George W. Wickersham, with whom *Mr. Corwin S. Shank* was on the brief, for petitioners.

Mr. L. L. Thompson, Attorney General of the State of Washington, with whom *Mr. E. W. Anderson* was on the brief, for respondent.

Mr. U. S. Webb, Attorney General of the State of California, and *Mr. Frank English*, by leave of court, filed a brief as *amici curiae*.

MR. JUSTICE SUTHERLAND delivered the opinion of the Court.

This case presents one of the questions involved in the case of *Takao Ozawa v. United States*, this day decided, *ante*, 178, viz.: Are the petitioners, being persons of the Japanese race born in Japan, entitled to naturalization under § 2169 of the Revised Statutes of the United States?

Certificates of naturalization were issued to both petitioners by a Superior Court of the State of Washington prior to 1906, when § 2169 is conceded to have been in full force and effect.

The respondent, as Secretary of State of the State of Washington, refused to receive and file articles of incorporation of the Japanese Real Estate Holding Company, executed by petitioners, upon the ground that, being of the Japanese race, they were not at the time of their naturalization and never had been entitled to naturalization under the laws of the United States, and were therefore not qualified under the laws of the State of Washington to form the corporation proposed, or to file articles naming them as sole trustees of said corporation. Thereupon petitioners applied to the Supreme Court of the State for a writ of mandamus to compel respondent to receive and file the articles of incorporation, but that court refused and petitioners bring the case here by writ of certiorari.

Upon the authority of *Takao Ozawa v. United States*, *supra*, we must hold that the petitioners were not eligible to naturalization, and as this ineligibility appeared upon the face of the judgment of the Superior Court, admitting petitioners to citizenship, that court was without juris-

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Counsel for Parties.

diction and its judgment was void. *In re Gee Hop*, 71 Fed. 274; *In re Yamashita*, 30 Wash. 234.

The judgment of the Supreme Court of the State of Washington is therefore

Affirmed.

GASTON, WILLIAMS & WIGMORE OF CANADA,
LTD. v. WARNER.

CERTIORARI TO THE CIRCUIT COURT OF APPEALS FOR THE
SECOND CIRCUIT.

No. 59. Argued October 13, 1922.—Decided November 13, 1922.

The Canadian owner of a British ship of a Canadian port made a contract in New York with W, a citizen of that State, authorizing him to offer the vessel for a specified price and agreeing to pay him a specified commission for securing a purchaser. W introduced purchasers with whom the owner agreed for a charter and sale at that price, the ship to be delivered and the price paid at New York; but, it subsequently appearing that the owner was bound by contract with, and regulations of, the British Government not to sell without that Government's consent, which could not be obtained, the contract of sale was rescinded. *Held*, That W's contract, made without reference to nationality or location of the ship or to foreign law, was governed by, and valid under, the law of New York, and that the owner's disability to consummate the transaction was not a defense to W's action for his commission, even if, under the British law, the contract of sale was void. P. 203.

272 Fed. 56, affirmed.

CERTIORARI to a judgment of the Circuit Court of Appeals, which affirmed a recovery by the respondent in his action against the petitioner for commission on the sale of a ship.

Mr. Cletus Keating for petitioner.

Mr. Joseph P. Nolan for respondent.